

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATURAL RESOURCES DEFENSE
COUNCIL, INC.

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants.

Civil Action No. 1:16-cv-01861-JDB

JUDGE JOHN D. BATES

STATUS REPORT BY DEFENDANT EPA

Pursuant to this Court’s March 30, 2018 Order (the Remand Order), Defendants United States Environmental Protection Agency (EPA), Scott Pruitt, Administrator of EPA, and Cosmo Servidio, Regional Administrator of EPA Region III, submit the following status report regarding this matter:

1. In the Remand Order, the Court vacated EPA’s September 21, 2010 decision approving the total maximum daily load (TMDL) for trash in the Anacostia River but stayed vacatur “until such time as EPA approves a replacement TMDL for trash in the Anacostia River.” ECF No. 27 at 1. The Court further directed EPA to submit a status report “informing the Court of the actions that the agency has taken to comply with this Order.” *Id.* at 2.

2. Since March 30, 2018, EPA has taken the following actions.

3. **Coordination with State Agencies.** Since the Court’s ruling, EPA has held joint conference calls with the Maryland Department of the Environment (MDE) and the District of Columbia Department of Energy and Environment (DOEE) on April 9, 2018, May 9, 2018, and

June 18, 2018. On the June 18, 2018 conference call with representatives from EPA, DOEE, and MDE, all parties agreed to develop the replacement TMDLs in cooperation. The state agencies will submit the TMDLs to EPA for review and approval upon finalization. EPA will work cooperatively with MDE and DOEE throughout the process.

4. **Solicitation for Data.** In August 2018, EPA anticipates submitting to the Federal Register for publication a solicitation for relevant data and information about trash in the Anacostia watershed. EPA intends to coordinate this solicitation with MDE and DOEE. EPA also intends to send letters requesting relevant data and information to stakeholders who participated in developing the original TMDL and/or submitted comments on the original TMDL. All relevant data and information received will be considered when developing the revised or replacement TMDLs.

5. **Evaluation of Need for Contractor Support.** EPA is in the process of evaluating whether a contractor will be needed to provide technical support for development of the revised or replacement TMDLs. This determination is partially dependent on, and will be made after evaluation of, the nature and extent of data and information received from the public solicitation.

Respectfully submitted,

Dated: July 2, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2018, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Justin D. Heminger